

Application No.: 09/482724
Docket No.: PT0026USCIP

Page 6

REMARKS

As a preliminary matter, the withdrawal of the rejections under 35 U.S.C. § 112 is acknowledged with gratitude.

In this connection, no other rejection of claim 3 is outstanding; accordingly, Applicants respectfully renew their request for an early indication that the subject matter of claim 3 is patentable.

In another preliminary matter, Applicants have cancelled non-elected claims 9 through 17 without prejudice herein. Applicants reiterate, however, their intention to pursue the subject matter of these claims in a continuing patent application.

It is believed that the amendments presented herein place the claims in condition for allowance. Therefore, it is respectfully requested that these amendments be entered into the application.

Turning now to substantive matters, the Official Action dated October 10, 2006, has rejected claims 1, 2, and 4 to 8 under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,766,751, issued to Kotani et al. (hereinafter "Kotani") in view of U.S. Patent No. 5,234,761 issued to Barnes et al. (hereinafter "Barnes"). Claim 4 has been rejected separately under 36 U.S.C. § 103, presumably as obvious over Kotani in view of U.S. Patent No. 5,571,614, issued to Harrison et al. (hereinafter "Harrison"). These are the sole substantive reasons set forth in the Official Action why claims 1, 2, and 4 to 8 should not be allowed. Applicants respectfully traverse these rejections for the reasons set forth below.

The facts and reasoning presented earlier in the prosecution are neither withdrawn nor abandoned. In addition, Applicant notes that claim 1 specifically requires both a first coating layer that comprises an inorganic laminar mineral

Application No.: 09/482724
Docket No.: PT0026USCIP

Page 7

and a second coating layer. Although Kotani and Barnes both describe coatings that comprise inorganic lamellar or laminar materials, neither Kotani nor Barnes describes the two coating layers that are explicitly recited in Applicants' claim 1. Therefore, claim 1 is not obvious over Kotani in view of Barnes.

Claims 2 and 4 to 8 depend, directly or indirectly, from independent claim 1. It follows by statute that the dependent claims are also not obvious over Kotani in view of Barnes for at least the reasons set forth above with respect to claim 1. Consequently, Applicants respectfully request that the rejections of claims 2 and 4 to 8 under 35 U.S.C. § 103 citing Kotani and Barnes be withdrawn upon reconsideration.

In this connection, the assertions in the final Official Action (page 3) that Harrison describes the second layer that is a specifically recited feature of claim 1 are inapposite, insofar as Harrison has not been cited in any rejection of claim 1. See the Official Action dated January 9, 2006, at page 3, and the final Official Action at page 2. See also 37 C.F.R. § 1.113(b), which requires that, "[i]n making [a] final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof."

In addition, Applicants have presumed, in the Response dated June 6, 2006, and Applicants also presume herein that it was intended to reject claim 4 over Kotani in view of Harrison. The Official Action dated January 9, 2006 did not set forth this rejection in full in a separate paragraph, however, as is the typical procedure. Moreover, the final Official Action dated October 10, 2006, has provided no further information on this point. Accordingly, it is respectfully requested that the accuracy of this presumption be confirmed on the record, so that Applicants may be confident that this rejection has been addressed properly and completely. See again 37 C.F.R. § 1.113(b).

Application No.: 09/482724
Docket No.: PT0026USCIP

Page 8

In the interim, however, and in an effort to respond fully to the final Official Action, Applicants note that claim 4 is amended herein to depend solely from claim 3. Claim 3 is not the subject of any rejection or objection. Moreover, neither Harrison nor Kotani teaches or suggests that the organic binder of the inorganic laminar mineral containing layer should comprise both a melamine-formaldehyde resin and an acrylic latex, which are among the specifically recited features of claim 3. The organic binders in Harrison, referred to as "cross-linking agents," are described in the paragraph bridging columns 2 and 3 and in column 4 at lines 33 to 54. Applicants note that Harrison's list of suitable organic binders for the layer mineral is much narrower than the list of suitable polymeric resins for the primer layer. See column 5 at line 38 to column 6 at line 5. Accordingly, it is submitted that claim 4 is also not obvious over Kotani in view of Harrison, and Applicants respectfully request that this rejection also be withdrawn upon reconsideration.

Conclusion


A Petition for an Extension of Time for one month and the required fee for the extension are filed concurrently herewith. Should any further fee be required in connection with the present response, the Examiner is authorized to charge such fee, or render any credit, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Application No.: 09/482724
Docket No.: PT0026USCIP

Page 9

In view of the above amendments and remarks, it is felt that all claims are in condition for allowance, and such action is respectfully requested. In closing, the Examiner is invited to contact the undersigned attorney by telephone at (302) 892-1004 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



MARIA M. KOURTAKIS
ATTORNEY FOR APPLICANTS
Kelly Law Registry on behalf of DuPont Legal
Registration No.: 41,126
Telephone: 302-892-1004
Facsimile: 302-992-3257

Dated: February 12, 2007